

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

SOVAYDA VASQUEZ,

Plaintiff,

v.

JULIE STOUT, et. al.,

Defendants.

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No.: 2:08-cv-428-RLY-WGH

DECLARATION OF SHERRY WHITE

The undersigned, Sherry White, declares the following, pursuant to 28 U.S.C. § 1746:

1. I am Sherry White, Grievance Specialist at Rockville Correctional Facility ("RCF") in Rockville, Indiana.
2. I am an adult competent to testify in the following matters, based on my personal knowledge and review of official records maintained by the Indiana Department of Correction ("DOC") and RCF.
3. Because I am the Grievance Specialist at RCF, I am familiar with the rules and regulations of the DOC, the grievance procedures followed at RCF, and the actions taken or available to be taken in response to the filing of grievances at RCF.
4. As Grievance Specialist at RCF, I participate in the grievance process and I have access to (1) the files in which copies of offender grievances are maintained ("offender packets"), (2) the computer records containing the records of offender grievances filed ("OGRE"), and (3) the DOC's Offender Information System ("OIS"), which is a computer record of information relating to offenders who have been committed to the DOC.

5. The OIS, OGRE, and offender packets are regular records kept by DOC and relied upon by the DOC in the daily course of its operations.
6. My review of OIS records maintained by DOC indicates that Sovayda Vasquez, DOC # 107317, has been incarcerated at RCF since January 2001.
7. I have examined OGRE and the offender packet in order to find whether offender Vasquez filed any grievances arising from any sexual assault by former prison guard Roger Heitzman.
8. As required under DOC policy, there is an offender grievance program in place at RCF. The current offender grievance program has been in place since December 1, 2005. The program is intended to promote prompt and effective resolution of a broad range of issues or complaints offenders may have.
9. Under the procedures of the DOC that have been in effect since December 1, 2005, offenders can grieve actions of individual staff.
10. The grievance process begins with the first step of the offender attempting to resolve her complaint informally by contacting an appropriate staff member within five (5) working days of the incident complained.
11. If the informal complaint is not resolved in a manner that satisfied the offender, she could pursue the issue through an additional two steps.
12. If an offender cannot resolve her grievance informally she can proceed to the formal grievance process. The formal grievance process begins when an offender submits a grievance form to the executive assistant of the facility to which she is assigned; an offender must file a grievance within 20 business days from the day of the event that is the subject of the grievance and, if the grievance is not resolved in a manner that satisfies the offender, she

may pursue the issue by filing an appeal to the Department of Correction's Offender Grievance Manager; in the course of these steps, the offender's complaint is investigated by the executive assistant or by someone else.

13. Exhaustion of the grievance procedure requires pursuing an appeal to the final step.

14. The computer records and hardcopy files would indicate when an offender has filed a grievance, the responses she received, how far through the grievance process she pursued her claims, and the ultimate resolution of the claims.

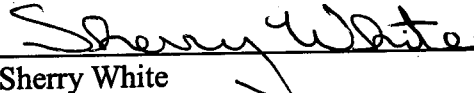
15. My review of records kept by the DOC and RCF shows an absence of any record of any grievance submitted by Offender Vasquez regarding any alleged sexual assault by former prison guard Roger Heitzman.

16. Had Offender Vasquez grieved her complaints that former prison guard Roger Heitzman sexually assaulted her, an investigation could have been conducted, and if her allegations were founded, some action could have been taken to serve as a remedy.

17. I conclude from the absence of grievance records alleging that former prison guard Roger Heitzman sexually assaulted her that Offender Vasquez has failed to avail herself of all administrative remedies available to her through the grievance process.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON THE 20th **DAY OF** March, 2009.


Sherry White
Grievance Specialist
Rockville Correctional Facility